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16 Meriden Road
Rockfall
Connecticut 06481-2961
Tele: 860-346-TREE
www.ctwoodlands.org

Testimony of Eric Hammerling, Executive Director, Connecticut Forest & Park Association

Public Hearing Subject Matter	Position
Raised SB 117: AAC TREE REMOVAL ON PROPERTIES UNDER THE CONTROL OF THE DEPARTMENT OF ENERGY & ENVIRONMENTAL PROTECTION.	Support
Raised SB 119: AAC CLIMATE RESILIENCY FUNDS AND PROJECTS.	Support

The Connecticut Forest & Park Association (CFPA) is the first nonprofit conservation organization established in Connecticut in 1895. For over 127 years, CFPA has offered testimony before the General Assembly on various State Park and Forest, trail recreation, sustainable forestry, and land conservation issues.

SB 117

I want to thank the Committee for raising SB 117 that would assist with transparency and public process related to addressing the assessment and potential removal of hazard trees in State Parks and campgrounds. There are important questions raised in the last few months at Housatonic Meadows State Park that inform this bill.

Who should make the determination of what is a hazard tree?

SB 117 makes it clear that an assessment of tree health and viability should be made by or under the direct guidance of a professionally licensed arborist. At least two current State Park staff have maintained professional arborist licenses, but most do not have the professional expertise and objectivity that this professional license confers. As you know, a significant part of the recent outrage at Housatonic Meadows arose because professional arborists disputed what DEEP staff (without arborist credentials) had determined to be hazardous trees.

Are forest management, wildlife management, and hazard tree assessments/removals separate efforts?

There are significant differences between these three efforts that take place on public lands, and so it is important to ensure that this bill remain focused on hazard tree issues and not on the ongoing management of State Forests or Wildlife Management Areas. Forest Management Plans and Wildlife Habitat Stewardship Plans guide the management of State Forests and Wildlife Management Areas and are public documents developed by trained forestry and wildlife management professionals at DEEP. Prior to implementing these forestry and wildlife plans, DEEP reaches out to stakeholders and engages with the public. Hazard tree removals, quite differently, have been driven by considerations of public health, safety, and reducing potential liability exposure to the state.

As noted above, determinations of tree health should be made by professional licensed arborists, either on staff or contracted to the state, who are well-versed in tree health assessments such as those developed by the International Society of Arborists (ISA), the USDA Forest Service, and the American National Standards Institute (ANSI 300) that deal with tree assessment and safety. The tree removals at Housatonic Meadows were not reflective of these professional arboricultural standards nor are they representative of typical forest management or wildlife management implementation.

How should DEEP manage and compensate for the loss of trees going forward?

We support this bill though we must also acknowledge that DEEP currently has inadequate staff resources to adequately address the additional requirements of SB 117 while meeting ongoing obligations to ensure public health and safety as well as cater to multiple needs of visitors to State Parks. We commend SB 117's intent to get more arborist expertise involved with this process, and suggest that it is time for Connecticut to look at all public lands and adopt a policy on compensatory reforestation for state agency and utility actions that result in forest losses.

[Executive Order 3-21](#), which was developed to implement recommendations from the Governor's Council on Climate Change, suggests that the state should both "... evaluate the feasibility, needed resources, and associated programs to ensure the resilience of Connecticut's forests to a changing climate and to maximize our forested lands' mitigation potential through carbon storage and sequestration." In addition, the Executive Order states that "Consideration shall be given to the following actions as part of the stakeholder process: avoid forest conversion; conserve healthy, intact, and resilient forests; offset all planned or permitted forest losses; provide incentives for stewardship, forest retention, and forest resiliency; protect urban forests; build more parks; and plant more trees." (Executive Order 3-21, page 10, order #20 on Forest climate resilience and mitigation potential)

The stakeholder process called for in E.O. 3-21 put forward several recommendations for Connecticut's forests and trees to be more resilient. The Policy on Resilient Forests for Connecticut's Future (PRFCT Future) Report calls for, amongst other recommendations, that Connecticut adapt and adopt Compensatory Reforestation guidelines similar to what New Jersey uses to compensate the public for forest lost through the actions of a state agency. Following is an excerpt from the [PRFCT Future Report recommendations](#) (pp. 8-9):

ENABLE COMPENSATORY REFORESTATION TO MITIGATE ACTIONS BY STATE AGENCIES AND UTILITIES that result in unavoidable losses of forest.

It is critical for Connecticut to show leadership in this area by ensuring that the actions of our own state agencies (e.g. the removal of significant forest in the state right of way along a state highway by the Department of Transportation) be undertaken in the context of the avoidance and mitigation of forest loss. The "[New Jersey](#)" [compensatory reforestation model](#) (authorized by The New Jersey No Net Loss Compensatory Reforestation Act, [N.J.S.A. 13:1L-14.1 et seq.](#)) offers a strong example in place for almost a decade that should be adapted to Connecticut.

The PRFCT Future Working Group reached consensus support on elements such as the following to implement in Connecticut:

- Require State agencies to submit a compensatory reforestation plan to DEEP's Forestry Division for each project that results in the deforestation of one-half acre (0.5 ac/21,780 square feet) or more on land the State entity owns or maintains, subject to exemptions for standard land management practices such as forestry, wildlife management, arboricultural practices, or actively managing existing utility easements.
- Require entities receiving a permit from the Connecticut Siting Council for energy development to compensate for loss of forest, farmland, and other natural lands through the conservation, replanting, and/or reforestation of a comparable amount in another location, or if such conservation, replanting or reforestation is determined not to be feasible, to make payments to a mitigation fund. This compensatory mitigation should not change the standard that avoidance of forest loss should be the primary goal for siting energy facilities.
- Require similar compensatory mitigation by utilities for significant forest or urban tree canopy losses due to tree removals along electric distribution lines.

SB 119

This bill would authorize the Treasurer to invest funds on behalf of municipalities that establish local Climate Reserve Funds that could offset the likely future expenses associated with municipal property losses, capital projects, and studies related to mitigating hazards and vulnerabilities of climate change. This is particularly important to do in order to leverage resources for climate resilience and other local environmental priorities at the same time that municipal, state, and federal resilience dollars are expected to increase dramatically. We also appreciate the strong encouragement in SB 119 for DEEP to maximize existing and future opportunities to utilize available federal resources for these purposes as well.

Thank you for the important work you do, and for the opportunity to testify today on these bills.